

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

ALANTE DAJUAN DEATRICK,

Plaintiff,

Case No. 1:23-cv-12942

v.

Honorable Thomas L. Ludington
United States District Judge

SHERARD DALTON, et al.,

Defendants.

Honorable Anthony P. Patti
United States Magistrate Judge

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**OPINION AND ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION, DISMISSING CASE FOR FAILURE TO PROSECUTE, AND
DENYING MOTION AS MOOT**

On November 20, 2023, Plaintiff Alante Deatruck filed a *pro se* Complaint while confined at the Macomb Correctional Facility in Lenox Township, Michigan. *See* ECF No. 1. Plaintiff primarily alleges that various members of Macomb's staff deprived him of his First and Eighth Amendment rights in violation of 42 U.S.C. § 1983, and harassed him with derogatory comments "related to his sexual preference[.]" *Id.* at PageID.3–5.

In December 2023, Plaintiff's case was stayed and referred to the Sixth Circuit's *Pro Se* Prisoner Early Mediation Program. ECF No. 7; *see also* 18-AO-042. This Court lifted the stay on April 30, 2024, ECF No. 10, and soon after referred all pretrial matters to Magistrate Judge Anthony P. Patti. ECF No. 14.

On July 16, 2024, two Defendants—Willis Chapman and Kristopher Steele—filed a joint motion for summary judgment on the basis of exhaustion. ECF No. 21. Plaintiff did not respond, even after Judge Patti directed him to do so. *See* ECF Nos. 22. Accordingly, on November 15, 2024, Judge Patti issued an order directing Plaintiff to show cause, on or before December 6, 2024, why his case should not be dismissed for failure to prosecute. ECF No. 23. Again, Plaintiff did not

respond. So, on December 12, 2024, Judge Patti issued a report (R&R) recommending this Court (1) dismiss the above-captioned case for failure to prosecute under Civil Rule 41(b); and (2) deny Defendants Chapman and Steece's joint motion for summary judgment, ECF No. 21, as moot. ECF No. 24.

In accordance with Civil Rule 72(b)(2), Judge Patti provided the Parties fourteen days to object. *Id.* at PageID.130–31. But the Parties did not file any timely objections, thus forfeiting their right to appeal Judge Patti's findings. *See Berkshire v. Dahl*, 928 F.3d 520, 530–31 (6th Cir. 2019) (citing *Thomas v. Arn*, 474 U.S. 140, 149 (1985)). Regardless, there is no clear error in Judge Patti's R&R.

Accordingly, it is **ORDERED** that Magistrate Judge Anthony P. Patti's Report and Recommendation, ECF No. 24, is **ADOPTED**.

Further, it is **ORDERED** that Plaintiff's Complaint, ECF No. 1, is **DISMISSED**.

Further, it is **ORDERED** that Defendants Chapman and Steece's joint Motion for Summary Judgment, ECF No. 21, is **DENIED AS MOOT**.

This is a final order and closes the above-captioned case.

Dated: January 2, 2025

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge